

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY LEE ALLEN, JR.,

Plaintiff,

v.

DANEILE CUEVO, et al.,

Defendants.

No. 2:24-cv-02989-EFB (PC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se in this action brought pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On January 23, 2025, the court found that plaintiff was not qualified to proceed in forma pauperis in this action due to having “three strikes” under 28 U.S.C. § 1915(g). ECF No. 18. The court ordered plaintiff to pay the filing fee within 21 days. Plaintiff has not paid the fee or otherwise responded to the order.

Accordingly, it is hereby ORDERED that the Clerk of Court randomly assign a district judge to this action. It is further RECOMMENDED that the case be dismissed without prejudice for failure to pay the filing fee.

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1 These findings and recommendations are submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
3 after being served with these findings and recommendations, any party may file written
4 objections with the court and serve a copy on all parties. Such a document should be captioned
5 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
6 objections shall be served and filed within fourteen days after service of the objections. The
7 parties are advised that failure to file objections within the specified time may waive the right to
8 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
9 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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11 Dated: March 26, 2025


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE